

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA

v.

BENJAMIN BRYAN BUCKHANAN,

Defendant.

Case No. 3:91CR00024-1

OPINION

By: James P. Jones
United States District Judge

Benjamin Bryan Buckhanan, Pro Se Defendant.

On March 16, 1992, the court had sentenced defendant Benjamin Bryan Buckhanan to 300 months' imprisonment consecutive to a state court sentence, and on April 29, 2005, the court dismissed Buckhanan's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. *Buckhanan v. United States*, No. 7:05CV00250, 2005 WL 1005096, at *1 (W.D. Va. Apr. 29, 2005), *appeal dismissed*, 155 F. App'x 669 (4th Cir. 2005) (unpublished). More than ten years later, Buckhanan has filed a document collaterally attacking his conviction and sentence based on case law, which I construe as a second Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 16).

Because Buckhanan has not shown that the United States Court of Appeals for the Fourth Circuit has authorized him to file a successive § 2255 motion, the § 2255

motion must be dismissed without prejudice as successive pursuant to 28 U.S.C.
§ 2255(h).

DATED: June 30, 2016

/s/ James P. Jones
United States District Judge